

UNITED STATES BANKRUPTCY COURT DISTRICT OF NEW JERSEY
Caption in compliance with D.N.J. LBR 9004-1(b)
PADGETT LAW GROUP Joshua I. Goldman, Esq. 6267 Old Water Oak Road, Suite 203 Tallahassee, FL 32312 (850) 422-2520 (telephone) (850) 422-2567 (facsimile) Josh.Goldman@padgettlawgroup.com <i>Attorneys for The Bank of New York Mellon, f/k/a The Bank of New York, as successor to JPMorgan Chase Bank N. A. as Indenture Trustee , on behalf of the holders of the Terwin Mortgage Trust 2006- 4SL, Asset-Backed Securities, Series 2006-4SL</i>
In Re: Richard Rodriguez, Jr. aka Richard Rodriguez Junior, Debtor(s).

Case No.: 23-17167-SLM

Chapter 13

Hearing Date: 09/11/2024

Judge: Stacey L. Meisel

OBJECTION TO CONFIRMATION OF THE MODIFIED PLAN

The Bank of New York Mellon, f/k/a The Bank of New York, as successor to JPMorgan Chase Bank N. A. as Indenture Trustee , on behalf of the holders of the Terwin Mortgage Trust 2006-4SL, Asset-Backed Securities, Series 2006-4SL (“Creditor”), by and through its counsel, Padgett Law Group, hereby objects to Debtor’s Modified Chapter 13 Plan (the “Plan”), as follows:

1. As of the bankruptcy filing date of August 18, 2023, Creditor holds a secured claim against Debtor’s property located at **54 Mehrhof Road, Little Ferry, NJ 07643**.
2. Debtor’s Modified Plan seeks to reclassify Creditor’s secured claim on the property to \$0.00 and strip off the lien.
3. As of the date of this Objection to the Modified Plan, Creditor objects to the proposed strip off of its lien and still intends to conduct an appraisal on the property to determine its value.

4. If there is equity above the superior lien on the property, Creditor's secured interest in the property should be paid in full.
5. The Modified Plan violates of 11 U.S.C. § 1325(a)(5)(B)(ii) by not providing for Creditor to receive the full value of its claim.
6. Creditor objects to the feasibility of the Modified Plan under 11 U.S.C. § 1325(a)(6). The Modified Plan proposed by Debtor is not feasible.

WHEREFORE, Creditor respectfully requests that this Honorable Court deny confirmation of the Debtor's Chapter 13 Modified Plan.

Respectfully submitted,

Dated: August 15, 2024

PADGETT LAW GROUP

By: /s/ Joshua I. Goldman
Joshua I. Goldman, Esq.
6267 Old Water Oak Road, Suite 203
Tallahassee, FL 32312
(850) 422-2520 (telephone)
(850) 422-2567 (facsimile)
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NOTICE OF OBJECTION TO CONFIRMATION OF THE MODIFIED PLAN

The Bank of New York Mellon, f/k/a The Bank of New York, as successor to JPMorgan Chase Bank N. A. as Indenture Trustee , on behalf of the holders of the Terwin Mortgage Trust 2006-4SL, Asset-Backed Securities, Series 2006-4SL has papers with the Court pursuant to object to Confirmation of the Chapter 13 Plan.

Your rights may be affected. You should read these papers carefully and discuss them with your attorney, if you have one in this bankruptcy case. (If you do not have an attorney, you may wish to consult an attorney.)

1. If you do not want the Court to object to Confirmation of the Chapter 13 Plan, or if you want the Court to consider your views on the motion, then on or before **09/11/2024** you or your attorney must do **all** of the following:

(a) file an answer explaining your position at:

Clerk
50 Walnut Street
Newark, NJ 07102

If you mail your answer to the Bankruptcy Clerk's office for filing, you must mail it early enough so that it will be received on or before the date stated above; and

(b) mail a copy to:

Joshua I. Goldman, Esq.
6267 Old Water Oak Road, Suite 203
Tallahassee, FL 32312

Marie-Ann Greenberg
Chapter 13 Standing Trustee
30 Two Bridges Rd
Suite 330
Fairfield, NJ 07004-1550

(c) attend the hearing to be held on in the NEWARK Bankruptcy Court at the following address:

U.S. Bankruptcy Court
50 Walnut Street
Newark, NJ 07102

2. If you or your attorney do not take these steps, the Court may decide that you do not oppose the relief sought in the Objection and may enter an Order granting that relief.

Respectfully submitted,

Dated: August 15, 2024

PADGETT LAW GROUP

By: /s/ Joshua I. Goldman
Joshua I. Goldman, Esq.
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Tallahassee, FL 32312
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CERTIFICATION OF SERVICE

- I, Catherine Rusteberg:
☐ represent _____ in the above-captioned matter.
☒ am the secretary/paralegal for Padgett Law Group, who represents the Creditor in the above captioned matter.
☐ am the _____ in the above case and am representing myself.
- On August 15, 2024, I sent a copy of the following pleadings and/or documents to the parties listed in the chart below: ***Objection to Confirmation of the Modified Plan*** and ***Notice of Objection to Confirmation of the Modified Plan.***
- I hereby certify under penalty of perjury that the above documents were sent using the mode of service indicated.
- I hereby certify under penalty of perjury that the above documents were sent using the mode of service indicated.

Dated: August 15, 2024

/s/ Catherine Rusteberg
Catherine Rusteberg

Name and Address of Party Served	Relationship of Party to the Case	Mode of Service
Richard Rodriguez, Jr. 54 Mehrhof Road Little Ferry, NJ 07643	Debtor	<input type="checkbox"/> Hand-delivered <input type="checkbox"/> Regular mail <input type="checkbox"/> Certified mail/RR <input type="checkbox"/> E-mail <input type="checkbox"/> Notice of Electronic Filing (NEF) <input type="checkbox"/> Other _____ (As authorized by the Court or by rule. Cite the rule if applicable.*)"
David G. Beslow Goldman & Beslow, LLC 7 Glenwood Avenue Suite 311B East Orange, NJ 07017	Debtor's Attorney	<input type="checkbox"/> Hand-delivered <input type="checkbox"/> Regular mail <input type="checkbox"/> Certified mail/RR <input type="checkbox"/> E-mail <input type="checkbox"/> Notice of Electronic Filing (NEF) <input type="checkbox"/> Other _____ (As authorized by the Court or by rule. Cite the rule if applicable.*)"
Marie-Ann Greenberg Chapter 13 Standing Trustee 30 Two Bridges Rd Suite 330 Fairfield, NJ 07004-1550	Trustee	<input type="checkbox"/> Hand-delivered <input type="checkbox"/> Regular mail <input type="checkbox"/> Certified mail/RR <input type="checkbox"/> E-mail <input type="checkbox"/> Notice of Electronic Filing (NEF) <input type="checkbox"/> Other _____ (As authorized by the Court or by rule. Cite the rule if applicable.*)"

* May account for service by fax or other means as authorized by the court through the issuance of an Order Shortening Time.